

REMARKS

Claims 1, 5, 8 and 9 remain pending herein. Claims 1 and 5 have been amended hereby to even more clearly recite features of the present invention. Support for the claim amendment can be found throughout the specification and drawings. No new matter has been presented. For the reasons discussed below, Applicant respectfully submits that all of the pending claims are in condition for allowance.

In the Office Action,

- Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Just (US 6,988,992) in view of Newton (US 2,332,488) in view of Kawasaki et al. (US 5,433,724, "Kawasaki");
- Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yavnai (US 2003/0176825);
- Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Just in view of Newton in view of Kawasaki et al., further in view of Nagelman (US 1,288,130); and
- Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yavnai in view and Nagelman.

These grounds of rejection are respectfully traversed.

The present invention relates to a muscle development device. The pending claims can be classified into two groups, namely group 1: claims 1 and 8, and group 2: claims 5 and 9.

The Examiner argues that group 1 (claims 1 and 8) is unpatentable over Just in view of Newton in view of Kawasaki; and group 2 (claims 5 and 9) is unpatentable over Yavnai (and in combination with Nagelman for claim 9).

Group 1 (claims 1 and 8)

The Examiner points out that Just teaches "a tight fitting band that is stretchable in a lengthwise direction," in that sleeve 30 of Just is stretchable. However, sleeve 30 is a tubular element attached to one end of a sphygmomanometer and is temporarily fixed to a subject's arm with the arm placed through the sleeve. Amended claim 1, however, now requires that "the

muscle development device, including the hollow tight fitting band, being stretchable, when used, in a lengthwise direction thereof." That is, the entire device (the tight fitting band and the tube therein) is stretchable, when used. A sphygmomanometer or blood pressure cuff like that disclosed by Just, when used, is not stretchable, as is now required by amended claim 1.

In that none of the secondary references overcomes the deficiencies of Just noted above, reconsideration and withdrawal of the §103(a) rejection applied against claim 1 are respectfully requested.

Group 2 (claims 5 and 9)

It is acknowledged in the Office Action (page 4) that Yavnai "does not specifically disclose the use of a seam tape," but it is argued in the Office Action that "it would be obvious to use stretchable seam tape rather than adhesive or heat and pressure bonding."

However, Applicant notes that use of the claimed seam tape with the muscle development system has multiple effects that would not have been obvious to one of ordinary skill in the art, including:

1. cost can be reduced by avoiding the use of a plurality of materials;
2. the difficulty in adhering, that tends to be caused when adhering the plurality of materials to each other, can be avoided;
3. the property of the tube can be changed as desired by selection of seam tape;
and
4. the property of the tube can be changed later by replacing the seam tape.

As a result, the use of seam tape, as claimed, provides significant advantages that one of ordinary skill in the art would never have considered in the context of the claimed muscle development system.

Accordingly, Applicant submits that independent claim 5 and claim 9, dependent thereon, are patentable over Yavnai.

AMENDMENT ACCOMPANYING RCE IN RESPONSE TO OFFICE ACTION DATED OCTOBER 12, 2010
APPLICATION NO. 10/552,991
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In view of the foregoing, claims 1, 5, 8 and 9 are believed to be patentable over the prior art of record. Reconsideration and withdrawal of the §103(a) grounds of rejection of those claims are respectfully requested.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicant's undersigned representative at the number listed below.

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